

LAW OFFICES OF CHRISTOPHER SERBAGI

ATTORNEYS AT LAW
488 MADISON AVENUE
SUITE 1120
NEW YORK, NEW YORK 10022
(212) 593-2112
FACSIMILE (212) 308-8502
WWW.SERBAGI.COM

COUNSEL
SETH A. AKABAE
ELLIOT FURMAN
SHARON COLCHAMERO

MEMO ENDORSED

June 23, 2008

Via Facsimile

Honorable Colleen McMahon
United States District Court
500 Pearl Street, Room 640
New York, New York 10007

6/24/08
We are working on the motions.
We will deal with what we
have before us without
reaching out for
other
issues that
may never
reach
their
ugly
heads.

Re: Shaw Family Archives, Ltd. et al. v. CMG Worldwide, Inc. et al., Index No. 05 CV 3939

Dear Judge McMahon:

On behalf of the Shaw Family Archives, Ltd. and Bradford Licensing Associates (the "Shaw Family"), I write to respectfully inform the Court that the New York Legislature is considering passing, very shortly, retroactive right of publicity legislation. Should the New York Legislature pass the proposed legislation, the Shaw Family will file a motion requesting that the Court declare the legislation unconstitutional. We bring this issue to the attention of the Court only so that is fully apprised of significant events that would impact the disposition of the present litigation.

Consistent with the newly passed California legislation, the proposed New York legislation will retroactively vest a right of publicity on deceased individuals that they did not own when they were alive. For this reason, the Court's anticipated ruling on the constitutionality of the retroactive aspect of the California right of publicity legislation will be extremely instructive to the New York Legislature.

The Shaw Family does not wish to burden the Court with matters that have not yet occurred, but the proposed New York legislation would so impact the resolution of this case that we thought it best to inform the Court in advance how the Shaw Family intends to respond to the proposed legislation so that the Court has time to contemplate how it would prefer to address these issues.

Respectfully Submitted,

Christopher Serbagi
Christopher Serbagi

cc: Paula Colbath, Esq. (via electronic communication)
Ted Minch, Esq. (via electronic communication)

| |
|--|
| USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 6/26/08 |
|--|